

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

6 CHRISTOPHER L. BIRD, ) 3:10-CV-00649-ECR-VPC  
7 Plaintiff, )  
8 vs. )  
9 RECONTRUST COMPANY, N.A.; BAC HOME )  
SERVICING, LP, a subsidiary of )  
10 BANK OF AMERICA, N.A., f/k/a )  
COUNTRYWIDE HOME LOANS SERVICING )  
11 LP; MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC.; JOHN )  
12 DOES 1 through 10; and DOE )  
CORPORATIONS 1 through 10, )  
13 Defendants. )  
14 )

This case arises out of the foreclosure of Plaintiff's residence.

I. Plaintiff's Objections (#43, 46) to Magistrate Judge's Order  
(#42)

Plaintiff has filed objections (#43, 46) to the Magistrate Judge's July 5, 2011 order (#42). Defendants submitted their opposition (#62) on October 21, 2011. The Court will treat Plaintiff's objections as a review and appeal pursuant to Local Rule IB 3-1 and 28 U.S.C. § 636(b)(1)(A). As such, a reviewing court may reconsider a Magistrate Judge's pretrial ruling "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A).

1 Plaintiff objects to the Magistrate Judge's ruling denying  
2 Plaintiff's Second Motion to Amend Complaint (#37), allowing  
3 Defendants to take Plaintiff's deposition, denying Plaintiff's oral  
4 motion to take the deposition of the person most knowledgeable, and  
5 finding that the time to file the joint pretrial order was past.

6 The Court finds that the Magistrate Judge's rulings on the  
7 depositions and denying the Plaintiff's Second Motion to Amend (#37)  
8 are consistent with the law. The issue with regard to time to file  
9 a pretrial order has been rendered moot by reasons set forth below.  
10 For these reasons, the Magistrate Judge's Order (#42) must be  
11 affirmed.

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13 **II. Plaintiff's Motion for Reconsideration (#67)**

14 On December 15, 2011, Plaintiff submitted a Motion for  
15 Reconsideration (#67) of the Court's December 14, 2011 Order (#66).  
16 Our system tendered Defendants' proposed pretrial order (#69) to the  
17 Court as having been approved by all parties. This was incorrect  
18 and neither that Pretrial Order (#69) nor the supplemental Order  
19 (#68) should have been entered. The Court agrees with Plaintiff  
20 that the Court was mistaken in finding (#66) that the parties had  
21 agreed on the Joint Pretrial Order (#68, 69). Upon further review  
22 of the record, it appears that the parties could not agree and  
23 instead submitted separate pretrial orders which disagree on a  
24 number of important dates. Plaintiff's Motion for Reconsideration  
25 (#67) must therefore be granted.

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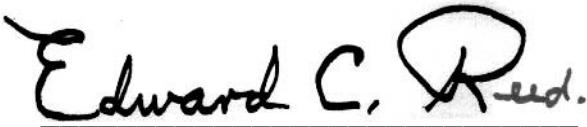
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1       **IT IS, THEREFORE, HEREBY ORDERED** that the Magistrate Judge's  
2 July 5, 2011 ruling (#42) is **AFFIRMED**.  
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4       **IT IS FURTHER ORDERED THAT** Plaintiff's Motion for  
5 Reconsideration (#67) of Order (#66) is **GRANTED**. Orders (##66, 68,  
6 69) are hereby **VACATED**.  
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8       **IT IS FURTHER ORDERD THAT** the matter of settling the Pretrial  
9 Order is **REFERRED** to the Magistrate Judge.  
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12 DATED: January 12, 2012.

  
Edward C. Reed.  
UNITED STATES DISTRICT JUDGE

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